IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.   CRIMINAL NO. 1:05CR4
                                          (Judge Keeley)

DANIEL WILSON TESTERMAN,

Defendant.

ORDER GRANTING MOTION TO CONTINUE TRIAL
AND
SCHEDULING ORDER

On June 17, 2005, George Cosenza, counsel for the defendant, filed a motion to continue the trial in this matter on the grounds that counsel for the defense is currently experiencing health problems.

Accordingly, the Court **GRANTS** the motion to continue trial (docket #42).

Defendant executed a waiver of speedy trial on March 3, 2005. Pursuant to the provisions of 18 U.S.C. § 3161(h)(1)(I), the period of delay resulting from the defendant's waiver shall be excluded in computing the time within which the trial of the offenses charged in the above-styled criminal action must commence. In accordance with the Local Rules of Criminal Procedure (L.R.Cr.P.), it is **ORDERED**:

USA V. DANIEL TESTERMAN   1:05CR4

ORDER GRANTING MOTION TO CONTINUE
PRETRIAL CONFERENCE AND TRIAL

(1) If this matter results in the formulation of a plea agreement, counsel shall submit to the Court a copy of the executed plea agreement by **5:00 p.m., January 19, 2006**.

(2) A pretrial conference in this case will be held before the Honorable Irene M. Keeley on **January 20, 2005, at 1:00 p.m.**

(3) <u>Jury selection</u> in this matter will be conducted before the Court at the following time and place:

**United States Post Office and Federal Building
500 West Pike Street
Clarksburg, WV 26301**

January 31, 2006 at 9:30 a.m.

(4) <u>Trial</u> will commence upon completion of jury selection.

(5) Defendant shall appear at every scheduled matter including, but not limited to, motions hearing, pretrial conference, trial and every other proceeding.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to the defendant, counsel of record and all appropriate agencies.

DATED: September _____*8*_____, 2005.

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

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